

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

EXAMINATION PAPER: MAY 2006

TITLE OF PAPER : **LAW OF HUMAN RIGHTS**

COURSE CODE : **L507**

TIME ALLOWED : **3 HOURS**

MARKS ALLOCATED : **100 MARKS**

INSTRUCTIONS : **ANSWER ALL FIVE QUESTIONS.**

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QUESTION 1**ANSWER ANY TWO OF THE FOLLOWING QUESTIONS (a) - (c).**

- (a) Several assertions have however been made about the nature of human rights which are not without controversy" (Hansungule *The Concept of Human Rights* 4). Hansungule discusses four assertions in respect of the nature of human rights which to his mind are erroneous. State these assertions and render your own evaluation of them. (10)
- (b) What are the constituting segments of the so-called "International Bill of Human Rights"? Give an assessment of these instruments. (10)
- (c) Identify the special organs of the United Nations that contribute to the recognition and enforcement of human rights and briefly describe the task of each in this process. (10)

[20]**QUESTION 2**

Write a note on the classification of human rights and the justification, if any, for such classification.

[20]**QUESTION 3****ANSWER EITHER QUESTION (a) OR (b).**

- (a) It is commonly conceded that the European system of human rights protection is the most advanced and effective system of supra-national human rights protection. Evaluate the content and development of the most important European instrument protecting second-generation human rights. (20)
- (b) Write an essay on the contents of the American Convention on Human Rights; in addition describe the powers of the "autonomous judicial institution whose purpose is the application and interpretation" of that convention. (20)

[20]**QUESTION 4**

Describe the way in which the African Commission on Human and Peoples' Rights functions, in the process referring to some of its decisions to illustrate the types of issues that occupy its attention.

[20]

QUESTION 5**ANSWER EITHER QUESTION (a) OR (b).**

- (a) “Despite the existence of international human rights norms and standards, which most African countries acknowledge, no other continent in the world lacks a respect for human rights in the way the African continent does” (Gumedze “Human Rights and the Rule of Law in Swaziland” Vol 5 (2005) *African Human Rights Journal* 266 270). Evaluate this statement against the background of the present human rights question in Swaziland, paying special attention to the impact of the King’s Proclamation to the Nation (No 12 of 1973), as well as the role of the monarchy in this regard. (20)
- (b) With reference to the “Analysis of the Draft Swaziland Constitution” in the *Report of the International Bar Association* (2003), critically evaluate the quality of the Bill of Rights contained in the Swaziland Constitution, concentrating on inconsistencies, as well as omissions pertaining to access to public information and the right to form and join political parties. (20)

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